



State of Louisiana Crime Victims Reparations Board MINUTES

MEETING DATE: January 13, 2015

MEMBERS PRESENT: Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Mr. Tyler Downing, Ms. Mary L. Fanara, Ms. Ann Polak, Ms. Sharon Rodi

MEMBERS ABSENT: Ms. Nancy Adcock, Ms. Lucille Williams

STAFF PRESENT: Robert Wertz, Carla Trahan, Margaret Watson

GUESTS PRESENT: Erich Duchmann, Jeddie Smith, Kent Wolkart, Stephanie Minto, Amanda Badeaux, Jane Wood, Cathy Wells

I. CALL TO ORDER

The monthly meeting of the Crime Victims Reparations Board for the date of January 13, 2015 was called to order by Mr. Davis at 9:10 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. DiBenedetto made a motion to approve the minutes of the previous meeting. Ms. Polak seconded the motion. The motion passed unanimously.

III. APPEALS

A 1. Calcasieu 14-012

Ms. Polak made a motion to uphold the Board's previous decision and to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

A 2. Jefferson 14-017

Ms. Fanara made a motion to uphold the Board's previous decision and to deny under authority of R.S. 46:1809 B (3) e (filed late). Mr. DiBenedetto seconded the motion and the motion passed 5 to 0 with 1 abstention.

A 3. Jefferson 14-031

Mr. DiBenedetto made a motion to defer claims awaiting Explanations of Benefits (EOBs). Ms. Fanara seconded the motion and the motion passed unanimously.

A 4. Vermilion 14-001

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Rodi seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Ms. Polak made a motion to confirm the emergency rulings for the previous month. Ms. Rodi seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Ascension 14-002

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 2. Ascension 14-003

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 3. Avoyelles 14-003

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 4. Beauregard 13-008

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 5. Bossier 14-008

Mr. DiBenedetto made a motion to award \$1,018.38 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 5. Bossier 14-008

Mr. DiBenedetto made a motion to award \$2,163.92 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 5. Bossier 14-008

Mr. DiBenedetto made a motion to award \$1,817.70 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 6. Caddo 14-034

Mr. Downing made a motion to award \$7,500.00 for SUPPORT. Ms. Polak seconded the motion and the motion passed unanimously.

F 7. Caddo 14-042

Ms. Polak made a motion to award \$591.40 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 7. Caddo 14-042

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 8. Caddo 14-045

Ms. Polak made a motion to award \$1,440.53 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 9. Caddo 14-053

Mr. DiBenedetto made a motion to award \$10,000.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 10. Caddo 14-058

Ms. Fanara made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

F 11. Caddo 14-059

Mr. Downing made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 12. Caddo 14-067

Mr. Downing made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 13. Caddo 14-068

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Polak seconded the motion and the motion passed unanimously.

F 14. Caddo 14-069

Ms. Fanara made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 15. Caddo 14-070

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution) and under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Mr.

V. ITEMS FOR FULL DISCUSSION

DiBenedetto seconded the motion and the motion passed unanimously.

F 16. Caddo 14-073

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 17. Calcasieu 14-040

Ms. Polak made a motion to defer claims awaiting Explanations of Benefits (EOBs). Mr. Downing seconded the motion and the motion passed unanimously.

F 18. Calcasieu 14-069

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). (Person must be an immediate family member or must be residing in the same home as the victim to qualify for payment of mental health expenses in the case of a homicide.) Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 19. Calcasieu 14-074

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Polak seconded the motion and the motion passed unanimously.

F 20. Claiborne 14-001

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). (Person must be residing in home and own home in order to file a claim for Catastrophic Property Loss). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 21. East Baton Rouge 14-077

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 22. East Baton Rouge 14-086

Ms. Polak made a motion to award \$713.60 for WAGE. Mr. Downing seconded the motion and the motion passed unanimously.

F 23. East Baton Rouge 14-087

Mr. DiBenedetto made a motion to award \$3,987.50 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 24. East Baton Rouge 14-105

Mr. DiBenedetto made a motion to award \$857.75 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 25. East Baton Rouge 14-114

Ms. Polak made a motion to award \$10,000.00 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

V. ITEMS FOR FULL DISCUSSION

F 26. East Baton Rouge 14-126

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

F 27. Iberia 14-015

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

F 28. Iberia 14-018

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 29. Jefferson 14-034

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 30. Jefferson 14-035

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

F 31. Jefferson 14-036

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 32. Jefferson 14-037

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 33. Jefferson 14-038

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 34. Lafourche 13-077

Mr. DiBenedetto made a motion to award. Estimate approved for: \$10,000.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 35. Lafourche 14-041

Ms. Polak made a motion to defer claims awaiting Explanations of Benefits (EOBs). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 36. Lafourche 14-043

Mr. Downing made a motion to defer claims awaiting Explanations of Benefits (EOBs). Ms. Rodi seconded the motion and the motion passed unanimously.

F 37. Lafourche 14-046

Ms. Rodi made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 38. Lafourche 14-050

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 39. Lafourche 14-053

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 40. Lafourche 14-054

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

F 41. Lafourche 14-055

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Polak seconded the motion and the motion passed unanimously.

F 42. Livingston 14-006

Ms. Polak made a motion to award \$5,000.00 for SUPPORT. Mr. Downing seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 43. Morehouse 14-002

Mr. DiBenedetto made a motion to award \$5,000.00 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 44. Orleans 12-129

Ms. Polak made a motion to award \$115.00 for MENTAL HEALTH. Mr. Downing seconded the motion and the motion passed unanimously.

F 45. Orleans 14-032

Ms. Rodi made a motion to award \$4,500.00 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 46. Orleans 14-060

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 47. Orleans 14-065

Mr. DiBenedetto made a motion to defer ruling awaiting more information from law enforcement. Mr. Downing seconded the motion and the motion passed unanimously.

F 48. Orleans 14-105

Ms. Polak made a motion to award \$6,512.00 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

F 49. Orleans 14-116

Ms. Polak made a motion to award \$4,086.81 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 50. Orleans 14-118

Ms. Rodi made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Mr. Downing seconded the motion and the motion passed unanimously.

F 51. Ouachita 14-019

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 52. Rapides 13-012

Mr. DiBenedetto made a motion to award \$307.50 for MENTAL HEALTH. Mr. Downing seconded the motion and the motion passed unanimously.

F 53. St. Charles 13-024

Ms. Polak made a motion to award \$975.00 for MENTAL HEALTH. Mr. Downing seconded the motion and the motion passed unanimously.

F 54. St. Charles 14-050

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 55. St. Charles 14-053

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously.

F 56. St. Charles 14-056

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 57. St. Charles 14-057

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. Downing seconded the motion and the motion passed unanimously.

F 58. St. Mary 14-006

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 59. St. Tammany 14-003

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). Mr. Downing seconded the motion and the motion passed unanimously.

F 60. Vermillion 14-003

Mr. DiBenedetto made a motion to award \$2,052.49 for OTHER, \$7,947.51 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

V. ITEMS FOR FULL DISCUSSION

F 61. Vermilion 14-010

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. East Baton Rouge 14-010

Ms. Polak made a motion to award \$2,350.50 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

L 2. East Baton Rouge 14-034

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

L 3. Iberville 13-004

Ms. Polak made a motion to award \$8,962.82 for WAGE. Mr. Downing seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 4. Orleans 09-061

Ms. Polak made a motion to award \$44.00 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously.

L 5. Orleans 11-073

Ms. Polak made a motion to deny your request to increase your total maximum eligibility from \$10,000 to \$25,000 because of insufficient documentation proving Total AND Permanent Disability. Mr. Downing seconded the motion and the motion passed unanimously.

L 6. Orleans 13-083

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Fanara seconded the motion and the motion passed unanimously.

L 7. Orleans 14-040

Mr. Downing made a motion to award \$5,000.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

L 8. Orleans 14-043

Ms. Rodi made a motion to award \$4,083.60 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

L 9. Orleans 14-048

Ms. Polak made a motion to award \$1,375.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

L 10. St. Martin 12-009

Ms. Rodi made a motion to award \$124.15 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

Ms. Polak made a motion to approve en globo the actions taken at the committee meeting on December 9, 2014 when a quorum was not met. Ms. Rodi seconded the motion. The motion was approved unanimously.

Mr. Wertz discussed Executive Order 14-17 promulgated by the Governor requiring the CVR Board to consider certain rule changes to assist victims of sexual assault. After a brief discussion, with various amendments, the Board declared an emergency and adopted several rule changes/modifications. (Copy attached.)

Ms. Polak made a motion to approve the Declaration of Emergency. Ms. Rodi seconded the motion and the motion passed unanimously. The Board also directed the CVR Staff to edit the application and other necessary forms to enact the changes that were made.

Ms. Polak made a motion to adjourn the meeting. Mr. Downing seconded the motion. Mr. Davis adjourned the meeting at 12:05 p.m.

Emergency awards: Please discuss.

DECLARATION OF EMERGENCY

Office of the Governor Crime Victims Reparations Board

Crime Victims Reparations Board (LAC 22:XIII.303 and 503)

The following amendment is published in accordance with R.S. 46:1807(C)(1), the Crime Victims Reparations Act, which allows the Crime Victims Reparations Board to promulgate rules necessary to carry out its business or provisions of the Chapter. This rule will clarify the eligibility requirements for crime victims.

This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 3. Eligibility and Application Process

§ 303. Application Process

A. Claimant Responsibility

* * *

2. Applications

a. Must be signed and dated by the victim/claimant. Only original signatures, no copies, will be accepted. If the victim is a minor, the parent or guardian is the claimant and must sign. If the victim is deceased, the person responsible for the bill is the claimant and must sign the application.

b. The application is only valid if the crime resulting in the personal injury, death, or catastrophic property loss was reported to the appropriate law enforcement officers within seventy-two hours after the date of the crime or within such longer period as the board determines is justified by the circumstances. Victims of sexual assault may take up to one year to meet the reporting requirements in this part.

c. Victims of sexual assault may assign their right to collect medical expenses associated with the sexual assault to a hospital/health care facility; however, the cost of the forensic medical examination is not reimbursable by the board as provided in §503(M)(2). The hospital/health care facility may then apply for reparations.

* * *

§503. Limits on Awards

* * *

M. Crime Scene Evidence

* * *

2. Medical Examination of Sexual Assault Victims

a. Costs of the forensic medical examination are the responsibility of the coroner or his designee as provided by law and are not reimbursable by the Crime Victims Reparations Board (CVR Board) under this section. All other expenses related to victims of sexual assault are reimbursable by the board at 100 percent, subject to the provisions of the Crime Victims Reparations Act and its administrative rules.

b. In instances where the sexual assault victim assigns his or her rights to collect reparations for reimbursable medical expenses beyond those associated with the forensic medical examination to the hospital/health care facility, the hospital/health care facility must submit the following items directly to the CVR board within one year of the date of service in order to receive reimbursement:

- i. Victim of Sexual Assault Assignment of Rights Form, signed by the victim
- ii. Hospital/Health Care Facility Application
- iii. Itemized bill for services rendered
- c. The sexual assault victim may submit these expenses to his or her private insurance or other 3rd party payor. If these expenses are paid by insurance or other 3rd party payor, the hospital/health care facility shall not file an application with the CVR board.
- d. Nothing in this section shall preclude a sexual assault victim or claimant from filing a regular or emergency application for additional benefits.

* * *

1. AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.
2. HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR 37:1605 (June 2011), LR 39:

Provider Impact Statement

The proposed rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 regular Legislative Session. In particular, there should be no known or foreseeable effect on: (1) the effect on the staffing level requirement or qualifications required to provide the same level of service; (2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or (3) the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on this Emergency Rule no later than February 20, 2015 at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Lamarr Davis
Chairman